

AT AUCTION BY W. E. FISHER AUCTIONEER

For Sale at a Sacrifice

A JOHN G. ILS Kitchen Range

10 feet long; contains 3 ovens, water boiler, necessary pipe and brick. Well suited for a hotel, restaurant or plantation. Can be seen at my salesroom, 180 Merchant street.

WILL E. FISHER,
AUCTIONEER.

A \$15 Panama Hat for \$10

\$15 is the regular price everywhere else in the city. Prior to my closing-out sale I sold the same hat for \$15.

Come and examine the straw and the fineness of the weave and see if it compares with \$15 hats you have seen elsewhere. It must do so, because it is a \$15 hat.

It is yours for \$10 at

I. Levingston's

1075 Bishop St.
Alexander Young Bldg.

LIMES

I have just received a consignment of choice Island limes from a small farmer.

These limes are superior to the Mexican fruit. See them at my warehouse, 1016 Smith street.

E. J. WALKER,

Commission Merchant, Island and Coast Produce.

One of many reasons why it pays to buy the Remington Typewriter is because it is the best *manifolder*. Do you realize, in this one feature alone, what a saving there is to you?

J. H. HARRISON, Agent.

Hotel Street.

Mrs. E. M. Taylor FLORIST.

Alexander Young Building.

Fresh flower seeds and natural russia.

JUST RECEIVED

Another car load of HIGH GRADE PIANOS; special prices until Christmas. They can be seen at the Coyne Furniture Co.

J. W. HALL

Classes! Classes! Classes!

Join Mrs. Barclay's classes and learn how to regain your youthful appearance and preserve the good looks you have. Hotel Street and Adams Lane.

Smoke

GENERAL ARTHUR CIGARS

GUNST-EAKIN CIGAR CO.

Distributors.

W. C. PEACOCK & CO., Ltd.

Wholesale Liquor Dealers.

88 Merchant St., Honolulu.
Peacock Block, Hilo.

JOHN NEILL

135 Merchant Street.
MACHINERY REPAIRED.

Ship and General Blacksmithing.
Brass Goods, Pipe and Fittings, Burrows' Wire Screens.

The Miller Candy Co.

Will open today with a full line of Fresh Home Made Candies across the street from the restaurant, Hotel street.
Fame and see the Candy Made.

KUHIO AND THE HOTEL

What the Governor
Actually Wired
Him.

"Washington, Jan. 4.—To Governor Carter.—Cable what is the general opinion Young building.

KUHIO.

"Honolulu, Jan. 4.—Delegate Kalaniana'ole, Washington.—While waiting for public expression desire state community urges public building because of great federal need. Individually believe if Young Building can be purchased reasonable figure and made fit requirements have no objection. Cannot official architect decide latter? CARTER, Governor."

The following cablegrams passed between the Delegate and the Governor yesterday.

Governor Carter, on receiving the inquiry from Delegate Kuhio, forthwith made known his desire to obtain expressions of opinion from not only mercantile and political bodies, but private individuals, on the subject. He gave out no opinion of his own and was greatly annoyed late in the afternoon to see the following distorted version of his reply to the Delegate displayed in black type across the entire width of the Bulletin's front page letter-press:

"Delegate Kalaniana'ole.—While waiting public opinion I desire to state that the community is urgent for a Federal building because of the Federal needs. Individually I think the Young building can be purchased at a reasonable figure. I think it can be made to fit all requirements. I have no objection. Cannot official architect decide the matter?"

Comparison of this production with the genuine message, as furnished to the Advertiser in a typewriter carbon copy of the original, will show how mischievously the Bulletin has misquoted the Governor.

W. E. Fisher, before the cable correspondence above given came out, argued to an Advertiser reporter against the Peterson scheme lately published in this paper. That was favoring the block inclosed by Merchant, Nuanu, King and Bethel streets. He contended that the growth of the business section was bound to be out King street. Walkiki way, therefore, favored the block known as the gore bounded by King, Alakea, Merchant, and Richards streets, or Palace square for the last boundary. The improvements there would cost less to condemn, besides the location's more central position considering the future.

At the same time, Mr. Fisher held, if it is a question of waiting long for a building after the selection of a site and the immediate acquisition of the Young building, he would be in favor of gripping the bird in the hand. In this connection he recounted the experience of San Francisco with its new postoffice.

Bert Peterson last night, having accepted the Bulletin's version of the Governor's cablegram, strongly deprecated such a summary exercise of the Governor's well-known influence with the powers that be in Washington.

He further stoutly maintained the merits of his scheme. The gore was so narrow that, when the apex of it was cut out to give a respectable front in that direction, there would be but small space left for the building and the margin of open ground the Federal authorities in such cases desire.

Mr. Peterson was now more earnest, than on any other point, in urging that the present was one of those occasions when it was eminently desirable that the business men should get together and come to a single mind. The matter was not one to be left to the wire-pulling of individuals and rival interests. Many business men had expressed to him their approval of his proposition, but he wished to have the whole community pass upon it.

At the same time he repeated some of his reasons for advocating the site he did. One was that the block in the question constituted a monumental separation mark between Chinatown and the remainder of the city. Not only were the Asiatic merchants, with millions invested on their side of the town, entitled to some consideration in the matter, but it would be a great nuisance to have the immense dray traffic of Chinatown brought over to the other side, as would be the case when the custom house, with its examining and appraising departments, was established in the present business heart of Honolulu.

Wants an Address.

Ewa Plantation Jan. 4, 1905.
Editor Advertiser: Can you tell me if Cook & Sons, the tourist agents, have an office in San Francisco? If they have, will you give me their address? Yours truly,
DAVID DOUGLAS.

Ewa Mill, Oahu.

[Cook & Sons, Tourist Agents, San Francisco, Cal., is address enough. Their office is in the Palace Hotel, on Market street. A letter directed as above will reach them.—Ed. Adv.]

AN EDITOR'S OPINION.—John S. Dawes, Esq., editor and proprietor Guardian and Star, Hokitika, New Zealand, said: "I have found Chamberlain's Cough Remedy a very valuable medicine, having received great benefit from its use when suffering from a cold, and as a preventive for croup in children its excellent properties have been testified in my family." For sale by all dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

AGAINST THE CLUB

Judge Whitney Decides
The Celebrated
Case.

Judge Whitney handed down a decision yesterday morning in the celebrated Club case. He found the club guilty as charged of selling liquor without a license. The case was immediately appealed and will go before the Supreme Court as the test liquor case. Judge Whitney's decision, in full, is as follows:

"The defendant is charged with having, at Honolulu, Island of Oahu, on the 12th day of December, 1904, violated the provisions of Section 44, of the Penal Laws of the Territory of Hawaii, 1897, by selling spirituous liquors without a license. The following admissions are made by the defendant, which admissions form the agreed statement of facts on which the briefs submitted by both parties are predicated:

"The contention of the defendant is that a bona fide club, organized for legitimate purposes, can dispense liquors to its members without procuring any license under the laws relating to the sale of liquors, as expressed in Chapter 41 of the Penal Laws of 1897. To sustain this contention defendant first calls this court's attention to a long and weighty list of names, high in office and large in power in this Territory, who have not until now moved to bring the defendant to the bar of justice, thereby warning this court that it were bare presumption to hold against the defendant in the face of such an array. Citing then the cases, which to the mind of counsel for defendant sustain the contention that a bona fide club may freely dispense liquors to its members without a license, defendant closes with another solemn warning to this court that this court do not, in deciding against the defendant, violate his oath of office.

"Referring to defendant's first contention it is sufficient for this court to say that the only time that it appears that this matter was brought to the attention of the Attorney General's Department, Mr. E. P. Dole, the then Attorney General, used the following language: 'Without expressing an opinion that this is legal or illegal I think you are justified in warning the Elks that the Attorney General's Department must take the position that sales for profit and not at cost, and as a mere incident of the festivities of the lodge, cannot be recognized as lawful.'

"As to the cases, a lengthy citation thereof by this court would be as useless as it would be inappropriate. Most of those cited by defendant as sustaining his contention are founded on the early case of *Graft vs. Evans*, 3 Exch. 22 Law Rep. 90. This case, though carefully considered and exceedingly valuable, would not, we believe from a careful reading, have been decided as it was under our statute, which is much broader and more inclusive than the English License Act of that date. That case was one of an unincorporated club. The case, too, has been under consideration in many of the highest State tribunals and been there, expressly and emphatically criticized, many courts refusing to follow it, holding the reasoning deficient and the case too restricted to apply generally.

Many of the cases go off on points which are not in the case at bar, as, for instance, *Commonwealth vs. Ewig*, 145 Mass. 121, and many others of the same class, where the club was merely a device to cheat the Government out of the prescribed license fee. So, also, *State vs. Easton*, 73 Md. 97, 10 L. R. A. 64, and numerous others, where the charge was one of violating local option laws. In still other cases the prosecution was under laws specifically including clubs. So might instances be multiplied where other elements than those appearing here have been present. These decisions have somewhat clouded what should be a simple case and have made it appear that there has been no uniformity and little reason in the decisions in 'club' cases. But certain elementary rules must lie at the foundation of all decisions. We believe that the rule of the case at bar, dictated by reason and established by authorities, is this: That

"First, where the liquor is owned by an individual or a partnership, be the person or persons natural or corporate, and

"Second, where that liquor is sold to another, be he a member of a club or a plain citizen, that there is a sale of the liquor as contemplated by all the statutes regulating the sale of liquors. When this sale is made without a license, then the statute has been violated.

"Such being the court's opinion of the law, but two points remain to this court for decision, namely, (1) to whom did the liquor belong? and (2) was there a sale?

"As to the first of these, the liquor was either the property of the corporation or it was the joint property of all the members of the association. In the matter of ownership there can be no difference between the Pacific Club and any other corporation. The stockholders own no part of the property of the club by reason of their shares of stock therein. If incorporation means anything at all it means this, that thereby an entity is formed against which the shareholders hold but choses in action, claims represented by their certificates of stock. But were it held that the shareholders had an interest in the goods held by the club,

Muslin Underwear Clearing Sale

3,000 Dollars Worth

New, crisp, clean and fresh underwear just arrived direct from eastern factories. An excellent display.

This immense stock could easily have taken the town by storm at regular prices, because of their immaculate daintiness and excellence of fabric and finish.

The superior generalship of our buyer in New York city has, however, worked consternation in the camp of underwear factories.

ALL SHOULD HASTEN TO PROFIT BY OUR LOW PRICE VICTORY.
A DEAL THAT REQUIRED NERVE.

Some folks, it is said not only enumerate their poultry before it is incubated, but see double while doing it.

Such a one may be our New York buyer who is an optimist from Optimistville. In any event, in his lexicon there is no such word as "FAIL."

This functionary encountered an opportunity to corral an immense bargain—that is if he could comply with one condition, viz:

TAKE QUANTITIES.

HE CLOSED THE DEAL

AND THE GOODS ARE HERE.

Thousands of articles in the Muslin Underwear line will be surrendered to the ladies of the city of Honolulu and vicinity at almost your OWN PRICES.

ON TUESDAY, JAN. 3rd.

This is the Greatest Underwear Sale ever held in this city. Our doors will open 8:30 a. m.

PACIFIC IMPORT CO., Ltd.

PROGRESS BLOCK, FORT STREET.

May You Have Your Full Share of

PEACE
PROSPERITY and
RIMO

Throughout the New Year.

HONOLULU BREWING & MALTING CO., LTD.

LEONARD Cleanable REFRIGERATOR

KEEPS FOOD FRESH AND PURE.

If you want a real good refrigerator—one that has been tested and not found wanting, we do not hesitate to recommend the "Leonard Cleanable Refrigerator."

Refrigerators that are damp and allow food to become mouldy give lodgement to germs.

A microbe hasn't a chance to live in a "Leonard."

It is dry, safe and reliable because it is made on the most scientific principles of refrigeration. It has eight walls, porcelain lined, air tight doors and its perfect air circulation will not permit the different articles of food to taste of each other.

When you see it you will instantly recognize its superiority over other refrigerators.

H. Hackfeld & Co., Ltd.

HARDWARE DEPARTMENT.

PROTECT your HOUSE



Pure
Prepared
Paint

is scientifically mixed and contains only pure materials. It takes a mighty good painter to mix paints nearly so well.

SOLD BY

Lewers & Cooke, Ltd.

Repairing a Specialty

GIVE US A TRIAL.

1905 Stamp Catalogues.

1905 Hawaiian Annual.

1905 Pacific Coast Diaries.

—ALSO—

Complete line of Fine Stationery in strictly up-to-date class at

THOS. G. THRUM'S,

1063 FORT ST.